

the word “It” refers to. Bruce states “It” refers to Farming Operations. Gary states that in the first sentence the raising of livestock is allowed, and in the second sentence, it is not allowed. Robert states that the definition needs work. Sonja will revise it. Cynthia states the Zoning Ordinance definition excludes riding academies and dog kennels. The current Chapter 89 excludes riding academies and dog kennels. The current Chapter 189 excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels. Cynthia states that is why we wanted to revisit this so everything is consistent. Cynthia states that Stormwater is now consistent with Zoning. Cynthia reads language from the Ag District Law that Peter Kamenstein forwarded her. Robert states he does not know why we are attempting to regulate the farms. Cynthia states we are not attempting to regulate farms, we are trying to define what a farm is, and then we are going to exclude them. Cynthia states that in order to exclude them, we need to have a definition we all agree with. Robert suggests we use the broadest definition that the State is using. Robert gives an example of someone objecting to Town Law, when it goes to Case Law, if it is unreasonable, it will be determined that way. Cynthia states that if we create a definition, we will always have people coming in with opinions regarding other laws. Cynthia states that is why we sometimes have exclusions. In the Zoning, current Wetlands and current Stormwater the only exclusion we have is for riding academies and dog kennels. Cynthia asks Robert if he would agree that riding academies and dog kennels are not part of the State’s definition of Farming. Robert agrees. There is a discussion about using the definition in the Zoning. Bruce refers to 250-5 and states that the definition of Farming Operation adopted in 2003 has worked very well. Bruce refers to the second definition down, 250-5. Robert talks about the language referring to the keeping of horses and states it should be animals instead. Gary asks if this language will be substituted into the Draft. Gary states that one definition states 4 acres and another definition states 7. Cynthia states we already agreed that the 7 acres was an error. Bernard asks the Board if they are comfortable with 4 acres. Robert talks about allowances for local people who want to grow vegetables, especially with this big push for people to buy local. Cynthia states 7 acres is currently in the existing law. There is discussion about dropping the definition in the Code and use the definition in the Zoning. Gary would like to know why we use the language “fur-bearing animals” rather than just “animals”. Gary asks if sheep are considered fur-bearing. Cynthia states sheep would be livestock. Bernard refers to someone cultivating 4 acres in Town for the keeping of animals. Gary states that is what is allowed here.

Bruce states there is a limitation on swine. Bernard does not feel that 4 acres is enough. Robert does not have a problem with 4 or 7. Cynthia states that in order to have the use, someone needs to look at the Zoning Code. For some of the uses, 10 acres is required. Cynthia states the Zoning Code has 10 acres for some of the livestock. Gary asks if he has 4 acres and would like to raise fur-bearing animals, such as goats, does he need to obtain a variance. Cynthia states that it depends on his zoning district, and he may not have enough acreage. The Zoning Code has a Bulk Table. The minimum acreage for certain farming operations is 10 acres. Cynthia states that someone may have 10 acres. The acres could be broken up for different uses. Cynthia states the Board is talking about a particular Land Use Law. Robert asks if it is based on quantity groups. Cynthia states yes. Robert talks about someone having 4 acres and wanting 1 goat. Bernard talks about someone having a dog kennel on 4 acres of land. Cynthia states that dog kennels are excluded. Bernard talks about horses and asks how many acres are required. Cynthia states that would be a Special Permit by the ZBA who oversees how many acres are needed. Cynthia states that generally one acre per horse is required, which is not required in all instances, such as Old Salem Farm. Cynthia states it depends on whether horses are out grazing all day, or in a barn long. Bruce states that the first determination would be whether the horses are private, or part of a commercial horse boarding operation. If the horses are owned by others, then the individuals would be required to abide by the commercial horse boarding operations regulations. Commercial horse boarding operations are considered to be a principal use that would stand on their own. That would be Use Group A. If someone has an accessory use to a residential property, they would be in the zoning district that the property is in. Bruce states those horses have to be for personal use only. Robert confirms that someone having more than two horses would need a permit in R-2 and R-4. Cynthia gives an example of having 20 acres and wishing to have 10 cows. Bruce would have told her she has more than 10 acres, so it is permitted. Having less than 25 acres, she would be able to have the 10 cows. It turns out she will only be

using 5 acres for the 10 cows. She will meet the definition of farming, and also the definition of zoning to have the use because her property is 20 acres. That does not mean she has to use the 10 acres. Cynthia states that if she didn't have more than 4 acres in the first place she wouldn't be able to have the cows unless she went before the Zoning Board of Appeals. Bernard asks why we are dropping down from 7 acres to 4 acres. Cynthia states that is a consistent definition. As Bruce stated before, we were bombarded by Applicants who thought they should not be subjected to a Site Plan review because they are a Farming Operation. We worked very cooperatively with the State Ag and Markets to come up with a definition that will work, in keeping with our Special Permit process which we wanted to hold on to. If you look at the Ag and Market definition, they also have 4 acres. Cynthia states we are trying to be consistent and not get in trouble with Ag and Markets, as well as make all our chapters consistent. Bernard has a problem with someone having 4 acres of land moving in with goats and states it does not seem logical. Bernard states 7 or 10 acres is fine. Cynthia states that if someone wants to have a lot of goats they need 10 acres. The Board agrees to use the Zoning definition.

Gary refers to Page 3 and has a question about the definition of Grading. He states this implies that if he turns over a shovel of dirt he would need a permit. Cynthia states that would not be a violation. The person would state that they are grading. There is a difference with someone going to Bruce stating they would like to grade their property for a vegetable garden, versus someone excavating. Gary states he will wait until we get to the Use discussion. Gary would like "or" added after the word "and" in the definition of Grading.

Cynthia refers to Page 4, Item B(5) a through d and states that when this was discussed at the last Meeting she did not think that all of the items had to apply. She states that in fact, they all should apply for a permit exemption to be granted, not only one item. The various thresholds are discussed. Cynthia states there is also an initial review and pre-application process regarding waivers, including waiving the public hearing. Gary states it seems like we are going around in circles. The language does not read correctly. Cynthia states that when reading Items 1 through 5, the language flows a lot better. Cynthia states the way the law is currently written everyone has to obtain a Permit. Cynthia states all of these laws are structured this way depending on the size of the operation and whether a neighbor will be impacted.

Cynthia refers to Page 5, Item 8 and states she agrees with the suggestion Bruce had at the last Meeting. The way the current law reads now, certification of clean fill needs to be submitted. It is not so much that we need certification that the fill is clean, it is more important for people to understand and know where it came from, in case they have a problem. Cynthia talks about a form which would be filled out stating where the fill came from. Giving Clearwater as an example, the customer would be able go back to Clearwater if they have an issue. Cynthia talks about changing Item 8 on Page 5. On Line 6 after the word "provided" add "that certification of the material's origin and/or source is provided to the owner and to the Building Inspector by the supplier and prior notification of scheduled delivery of the material is provided to the Building Inspector to provide ample opportunity for inspection of the same". This way, the origin of the fill will be provided to the owner and Building Inspector. Gary asks where he would find 89-6(D). Bruce states that would be on Page 12. Cynthia states that this Section is all about the quality of the fill. Gary asks where he would find 89-6(C). Bruce states that would be on Page 6. Sonja will bold the heading in the text for 89-6(A, B and C).

Cynthia refers to Page 10, Item (b)(6) and states that the Board had reworked the Wetlands Ordinance so that if someone is excavating a pond, they may put the dredged materials on their property, and even in a controlled area without having to go for a separate Chapter 189 Permit. It would all be taken care of under the Wetland Permit. Cynthia states that halfway through Item (6) the language states that "No fill or other material shall be deposited in any freshwater wetland or within the one-hundred-foot wetland buffer". Cynthia states that we may want to change that to read "No fill or other material shall be deposited in any freshwater wetland". Sonja will revise. Bernard states the more he reads this document, it seems like we need a lawyer review it. Bernard states he foresees a lot of lawsuits. Cynthia states this will be reviewed by Roland. The Town Board will also review it. Gary states this document is exceptionally complex to follow.

Gary understands that we cut and paste portions from other ordinances. Cynthia states it is what we already have. Gary understands that. Cynthia states we have two laws in two places. Cynthia is not sure how to write it with fewer words. Bruce states that anytime we try to legislate everything, it is very difficult. Bruce states the Board should take their responsibilities with the utmost seriousness. If they do not understand this, and are giving their consent to it, think about how the homeowner feels. Bruce states that ultimately, it is necessary to have a document that is understandable. It should also be understandable to the lay person. We shouldn't have to go out and hire an attorney to interpret it. Cynthia states she has people coming into her office on a regular basis asking about the various Permits and the process. Cynthia sits down with them, going through the Code, and providing them with an outline of how the Code works. Cynthia states that each Chapter is almost the same. First we define the project, we then advise whether they need a Permit, and we explain those few instances where a pass may be given. If the person qualifies for a Permit, Cynthia will refer them to Bruce depending on the action. Cynthia states that people do come in to meet with myself and Bruce. Cynthia talks about having an outline form listing various questions about the specific project. Bruce states that is when this type of ordinance results in the need for a Permit. We need to know what the Application requirements are for a specific Permit. Bruce states that he drafted an Environmental Review Form. There are so many ordinances now. If we sit down with a property owner, there is no guarantee that they will not leave something out when filling out an Application. Bruce states the Environmental Review Form is five pages long. In answering those questions, a property owner will know what has to be done. Bruce states that his department works very hard to make this understandable to the property owner. It does take time. Bruce states he will share this Form with the Board when it gets to a certain stage. Bruce states that by doing this drill requirements become clear to a property owner. Gary states that the Town is very fortunate to have Cynthia. Gary knows that she spends a lot of time in the office. Gary states that it is unlikely that the next person who comes in will spend anywhere near that amount of time. Gary states that he has seen the last few people, and they were just not here during the day. Cynthia refers to the work Steve Bobolia did as Chairman. Gary states that Steve worked full time in another office. We typically won't have a Planning Member available to do this, so we will need an attorney. Cynthia states that in those instances, the individuals will meet with Bruce or Maureen. In most instances, the individuals should be starting with the Building Department. Cynthia states that she works very closely with Bruce and Maureen. They have monthly meetings. Cynthia states that when she is not in the office, the individuals would go over to the Building Department. Bruce states that it is important to have continuity and consistency. Bruce talks about the monthly meetings and the fact that everyone is working together to achieve a goal.

Gary refers to Page 11, Item 12 and states he does not understand it. Cynthia states that is what we do every month. We review applications, and go through SEQR, and make the findings. Gary states that Bruce has said that we need to be consistent. Gary has no idea what it means to be "in harmony". Cynthia refers Gary back to Page 1 where it talks about why we have this Law. This Law is in harmony with the findings and purposes in it. What an individual wants to do, at the end of the day, should be in harmony with the findings talked about in the beginning of the document. Bruce states that he has heard Roland comment that this gives the Planning Board the ability to prove that they are not negatively impacting the intent of this Law. It is a broad intent. Bruce states he speaks with Applicants all the time. It is the Applicant's responsibility to demonstrate that their impacts don't cross a certain threshold. An Applicant has to be able to demonstrate that.

Gary refers to Page 11, Item 14 and states he does not understand the language about existing trees being important from a historic standpoint. Gary states this document is overly lengthy and wordy. Cynthia states that if the wording is not in there, it makes it very difficult for the Board to make a determination. Gary refers to the language in regards to the historic trees as not being objective, and being completely un-objective.

Bruce refers to Page 12, and anywhere else in the document where there is reference to 6 NYCRR Part 360. Cynthia states that this entire Section is taken from the Code as it exists now. Cynthia states that the good thing is that Bruce has had a few years to work with it. This Section has to do with the quality of fill. Bruce

asks the Board how they would feel if they received fill that has passed all of the tests listed here, and it contained concrete, metal, and glass. Bernard asks who would accept this as clean fill. Bruce states the NYSDEC. There is a discussion about a property owner accepting the fill because it is cheap. Bruce states this definition is taken from the NYSDEC Landfill Law. Bruce states he does not believe we want this. Bernard asks Bruce to define why he would not want it. Bruce states because the fill has all of those materials in it and he would have no way stopping it. Bruce states he went to the NYSDEC website to look up Part 360 and his head was spinning. Bruce states he called a few engineers asking if they could give him a summary of Part 360, and none of them could. Bruce states he believes there has to be some other way of dealing with this. Bruce states he has concerns that the reference to 6 NYCRR Part 360 is not what we are trying to achieve. Bruce is not sure the Board wants these materials showing up in fill. The Board discusses developing their own definitions. Cynthia asks if there is any instance where this type of fill would be acceptable. Bruce states it would be a land fill. Gary states that it is perfectly acceptable to put this fill underneath a parking lot or golf course. Bruce refers to a section regarding fill for unrestricted use. This fill could pass a whole battery of tests not exhibiting a level above a certain concentration for each element. Sonja asks who makes this determination. Bruce states the NYSDEC has a table with an analysis chart. The NYSDEC states that if someone has fill that fits this definition, they don't have a problem with it being used in residential and/or commercial environments. If we go by the 360 definition, in order to determine whether it meets the criteria, an individual would have to go through so many tests it becomes economically unjustifiable. Cynthia states that they should not make this type of fill in the first place. Bruce states he would like the Board to consider this because it is appropriate for where we are headed. Bruce states that dredged soils are also qualified. It is a way to bring together pond dredging along with what is acceptable for fill. Bruce reads language regarding unrestricted use of soil objectives which when achieved at a site will require no use restrictions on the site for the protection of public health, ground water and ecological resources due to the presence of contaminants in the soil. In other words, it is clean fill. The Board likes that language and states it is understandable. Sonja asks how people will prove that they qualify and have these specific levels. Bruce states there needs to be some element of discretion if the source is known. Bruce states we need to know where the material is coming from and does it represent virgin soil. In other words is the material being dug on one site and transported immediately to another site. Cynthia states that Bruce does not want to make that call, because he will not know. Cynthia states that 25 or 30 years ago that site may have been farmed with the use of pesticides or something else. There would be no history. Bruce states that he has to look further into this. Bruce talks about the unrestricted use category and provisions for allowances. Virgin soil would get a pass. This would mean the land was not used for any prior activity. Bruce talks about land that has not gone through development. Gary talks about people signing a manifest. Cynthia refers to Highgate/Woodlands and states that in April they are going to go out and test the soil again because a little bit of DET was found. Cynthia states that back in the 1920's through 1940's that land was farmed. Cynthia states in that instance having the source is not good enough. Certification is discussed. Finding out where the materials came from and the nature of the property are discussed. Contamination is discussed. The fact that buyer's have to be aware is discussed. Letting it rest on the homeowner for it to be their responsibility is discussed. Bruce talks about checking everything that is on the list as far as contamination regarding the costs, especially for every load. Cynthia does not mind going in this direction as long as it does not appear as though the Building Department has provided a sign off. Residents may be comfortable with the quality of the fill, but the Building Inspector may not be. Bruce talks about working more on a definition of what is acceptable. There is discussion about requiring the hauler to sign an affidavit. Bruce and Sonja will discuss further what constitutes acceptable fill.

Sonja will add in a definition of Restricted Use. There is a discussion about the definition not including road base. Sonja will rework the Draft. Revisions will be circulated a week prior to the next Work Session.

3. Next Meetings:

- Regular Meeting – April 6, 2011
- Work Session – April 20, 2011

4. Comments from the Chair:

Cynthia states that Saint James Church has two signs. One along the driveway and one along June Road. The Boy Scouts would like to build a sign in order to post notices. Cynthia states this is a dangerous intersection. There is a discussion about signs for events being allowed. Having a sign along the driveway with a hinge and flap is discussed. This could technically be considered a temporary sign. Temporary signs would be exempt. Cynthia states that the Board will be continuing to discuss the sign ordinance at some point. Bruce is in favor of this request as long as it is well within the driveway.

5. Resolution:

Chairwoman motions to adjourn the Planning Board Meeting. Gary Jacobi seconds. All in favor. No opposed.